

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Western Division**

TRUE VALUE COMPANY, L.L.C. and
T V COOPERATIVE COMPANY,

Case No.: 3:20-cv-50083
Honorable Philip G. Reinhard

Plaintiff,

vs.

INTERNATIONAL HARDWARE SUPPLIES, LLC
d/b/a TRUE VALUE OF BROWARD and
JOSE ZAMBRANO,

Defendants.

_____ /

DEFENDANTS' AMENDED JURISDICTIONAL STATEMENT

Defendants INTERNATIONAL HARDWARE SUPPLIES, LLC and JOSE ZAMBRANO hereby file their Amended Jurisdictional Statement as per this Court's Order entered on July 14, 2020 (ECF No. 22).

Defendants served Plaintiffs with the following discovery requests on July 13, 2020 regarding the citizenship of the Plaintiff entities for diversity jurisdiction purposes.

1. Defendants' First Set of Interrogatories to True Value Company L.L.C.
2. Defendants' First Request for Admissions to True Value Company L.L.C.
3. Defendants' First Set of Request for Production to True Value Company L.L.C.
4. Defendants' First Set of Request for Production to TV Cooperative Company.

Based on the undisputed facts of Plaintiffs' discovery responses, Defendants hereby allege the citizenship of the two Plaintiffs, True Value Company L.L.C. and TV Cooperative Company.

TV Cooperative Company

Plaintiff TV Cooperative Company has its principal place of business in Illinois. TV Cooperative Company has its executive headquarters in Chicago. TV Cooperative Company is incorporated in the state of Delaware. Deborah O'Connor is its President and Treasurer. "For diversity purposes, a corporation is a citizen of both the state where it is incorporated and the state where it has its principal place of business." *MacGinnitie v. Hobbs Group, LLC*, 420 F.3d 1234, 1239 (11th Cir. 2005). Therefore, Plaintiff TV Cooperative Company is a citizen of **Delaware and Illinois**.

True Value Company, L.L.C.

True Value Company, L.L.C.'s principal place of business located at 8600 West Bryn Mawr Avenue, Chicago, IL 60631, and Chris Kempa is its Chief Executive Officer.

The sole member of True Value Company, L.L.C. is T.V. Holdco II, L.L.C., a limited liability company organized under the laws of the state of Delaware.

The sole member of TV Holdco II, L.L.C. is TV Holdco I, L.L.C. a limited liability company organized under the laws of the state of Delaware with a principal place of business located at 8600 West Bryn Mawr Avenue, Chicago, IL 60631.

The sole member of TV Holdco I, L.L.C. is TV Holdco, L.L.C., a limited liability company organized under the laws of the state of Delaware with a principal place of business located at 8600 West Bryn Mawr Avenue, Chicago, IL 60631.

The members of TV Holdco, L.L.C. are ACON TV Investors, L.L.C.; TV Cooperative Company; and John Hartmann who resides in Illinois according to Plaintiffs' responses to interrogatories. Plaintiff states that it has no control over ACON TV Investors, L.L.C. and lacks

information regarding its members. However, regardless of the unknown identities of ACON TV Investors, L.L.C.'s members, alienage jurisdiction is constitutionally permissible as long as there is at least one alien party and at least one state or citizen of a state opposing the alien. *Arai v. Tachibana*, 778 F. Supp. 1535, 1538 (D. Haw. 1991). It is permissible for other parties in the case to not meet the jurisdictional criteria. *Id.* The Constitution only requires minimal diversity for alienage jurisdiction. *Verlinden B.V. v. Cent. Bank of Nig.*, 461 U.S. 480, 491, 103 S. Ct. 1962, 1970 (1983).

In the instant case, the two defendants are both Venezuelan citizens, while the two Plaintiffs are citizens of Delaware and Illinois, and possibly other states as well. Thus, regardless of the unknown citizenships of ACON's members, whether domestic or foreign, they would not destroy diversity in this case in either scenario.

Thus, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) because the citizenship of the Plaintiffs and the Defendants are constitutionally diverse, and the alleged amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

Dated: **August 19, 2020**

Respectfully submitted,

/s/ Fred Viera

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INTERNATIONAL HARDWARE

*SUPPLIES, LLC d/b/a TRUE VALUE OF
BROWARD and JOSE ZAMBRANO*

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on **August 20, 2020**, we electronically filed the foregoing with the Clerk of Court using the CM/ECF system. We also certify that a true and correct copy of the foregoing was served by e-mail on this date on all counsel or parties of record on the Service List below.

By: /s/ Fred Viera

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